

REMARKS/ARGUMENTS

Claims 1-48 are pending in the applications. Claims 1-48 are subject to restriction and/or election requirement. Applicants hereby elect, with traverse, to prosecute the claims of Group I, claims 1-25 and 48, drawn to a method for screening compounds, classified in class 436, subclass 147.

Claims 1-25 and 48, the claims of Group I, are drawn to a method for screening compounds, and claims 26-47, the claims of Group II, are drawn to a method for screening compounds using a nanocalorimetric device. The Examiner indicates that the method of the invention of Group II for screening compounds specifically utilizes a nanocalorimetric device incorporating the use of reference measurements. The Examiner goes on to state that because the inventions are independent or distinct as shown there would be a serious burden on the Examiner if restriction is not required. Applicants traverse this restriction requirement on the basis that the Examiner has already searched the invention and provided applicants with a substantive rejection. That initial Office Action was dated February 26, 2007. Given the foregoing, applicants fail to understand how searching of the inventions of Group I and Group II would impose a serious burden on the Examiner when such burden has already been undertaken.

In addition, the claims of Group I recite a method for use with a device measuring the enthalpy of reaction. A nanocalorimeter is in fact a device measuring the enthalpy of reaction, so it is not clear to applicants how any search regarding the claims of Group I could possibly exclude the inclusion of the nanocalorimeter claimed in the claims of Group II.

Based on the foregoing, applicants respectfully request that the Examiner reconsider and withdraw the election or restriction requirement and examine at this time all of original claims 1-48 and new independent claim 49. Applicants reserve the right to prosecute the non-elected claims as part of a further filing should the examiner maintain the restriction requirement.

Applicants request that the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address, received by the U.S. Patent and Trademark Office on May 29, 2007, with regard to the present application, be acknowledged and that the necessary changes be made to the record. Applicant notes that the Restriction Requirement was mailed to the wrong firm and should be addressed to the undersigned firm, associated with Customer Number 61962.

Respectfully submitted,

FAY SHARPE LLP

Date: August 29, 2007


Sue Ellen Phillips

Reg. No. 32,046

1100 Superior Avenue, 7th Floor

Cleveland, Ohio 44114

(216) 861-5582

sphillips@faysharpe.com